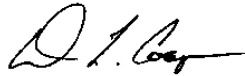


5. Accordingly, Empire believes that good cause exists for a waiver or variance from Commission Rule 4 CSR 240-2.135 for the purpose of this matter. Empire proposes that such waiver or variance allow Empire's counsel to provide the Staff Report to Empire employees who are working as subject-matter experts in regard to this docket.

WHEREFORE, Empire respectfully requests that the Commission grant this Motion for Waiver or Variance as described herein.

Respectfully Submitted,



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**ATTORNEYS FOR THE EMPIRE
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on February 14, 2013, to the following:

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